



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Nashua Police Supervisors Association

Complainant

v.

Nashua Police Commission

Respondent

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Case No. P-0744-1

Decision No. 2001-108

CONSENT DECREE AND ORDER DISMISSING COMPLAINT

The parties, both represented by counsel and appearing before the PELRB at its offices in Concord, New Hampshire on October 18, 2001, announced the following settlement agreement in resolution of the pending unfair labor practice complaint, to wit:

WHEREAS the Nashua Police Supervisors Association ("the Union") has filed a Complaint of Prohibited Practice with the New Hampshire Public Employee Labor Relations Board ("Board") against the Nashua Police Commission ("the Commission"); and

WHEREAS the Union has alleged that the Commission, by and through the conduct of its agent, Deputy Chief Timothy Hefferan, sought to interfere with protected union activities, specifically the right of the Union and its members to come to the aide, assistance and support of Sergeant Ronald Scaccia ("Scaccia") and to do so free of any fear of retaliation; and

WHEREAS the Union has alleged that the Commission violated RSA 273-A by such conduct; and

WHEREAS the Commission denies any such violation of the Law; and

WHEREAS the parties are desirous of settling this dispute;

In full settlement of the above-referenced unfair labor practice complaint the Union and Commission hereby agree as follows:

1. The pending ULP alleges that, on or about January 29, 2001, Deputy Chief Timothy Hefferan spoke with Lieutenant Paul Gravel in the Nashua Police Station's exercise room. Hefferan told Gravel, then Vice-President of the Union, that he could not understand why Scaccia had requested a public hearing. He further stated to Gravel that the Commission would not look well upon a showing of support for Scaccia at the hearing, but would look upon such as "supporting a negative." The answer filed by the Commission indicates that Deputy Chief

Hefferan's recollection of his conversation with Lt. Gravel is not entirely consistent with Lt. Gravel's recollection. Notwithstanding this, neither the Commission nor Deputy Chief Hefferan question Lt. Gravel's credibility or his good faith rendition of the events.

2. The Commission understands that Deputy Chief Hefferan's comments to Lt. Gravel could be construed and/or interpreted as an attempt by management to interfere with the Union's right to come to the aid and assistance of one of its members.
3. The Commission maintains that Deputy Chief Hefferan's statements to Lt. Gravel were not intended to interfere with employees' protected rights under the Law. On behalf of itself and its agents, the Commission and Deputy Chief Hefferan regret that the statements which gave rise to this ULP were made. The Commission has not and will not condone any conduct which would interfere with protected activity under RSA 273-A.
4. The Commission recognizes the right of all Sergeants and Lieutenants to engage in protected, concerted activity, including providing aid, assistance and support to other Union members.
5. In consideration of the foregoing, the Union agrees to withdraw with prejudice the above-referenced unfair labor practice charge against the Commission.
6. This settlement agreement shall be posted on the Union's bulletin board for thirty (30) days following its execution by the parties.
7. The Union and Commission shall remain responsible for their own costs and expenses incurred in this matter.

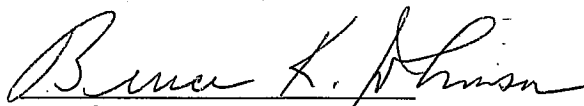
Signed and executed this 18th day of October, 2001.

For the Union:
/s/Richard Widener for
Sgt. Frank Paison, President
Nashua Police Supervisors Assoc.
(IBPO Local 418)

For the Commission:
/s/Maurice Arel
Maurice Arel, Chairman
Nashua Police Commission

Upon review of the parties' agreement of October 18, 2001, this board finds its provisions to be in the best interests of the parties, supportive of the collective bargaining process contemplated by RSA 273-A, and beneficial to the parties' ongoing needs to deal with each other under the statute and their CBA. Accordingly, the PELRB hereby adopts the provisions of that agreement as and for its order in this case and directs that the underlying unfair labor practice complaint be DISMISSED with prejudice in accordance therewith.

So ordered
Signed this 23rd day of October, 2001.


BRUCE K. JOHNSON, Chairman

By unanimous vote. Alternate Chairman Bruce K. Johnson presiding. Members Seymour Osman and Richard Molan present and voting